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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,931	09/16/2003	John Higgins	03-029-JH	2331

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03/05/2007

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,931

Applicant(s)

HIGGINS, JOHN

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/15/2007 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 18, the phrase "... equal to or less than a credit card thickness" defines the pill card in reference a credit card which is undefined and has not been positively claimed rendering the claims vague and indefinite because it is not clear what structural limitations applicant intends to encompass with such language. In claim 18, the phrase "resealing mechanism" lacks proper antecedent basis since the specification fails to disclose such phrase.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock in view of Robertson (6,516,950) or Bartell et al. (4,889,236; hereinafter Bartell'236). Bullock discloses a card (1) comprising a top, a bottom, a left side, a right side, a front side, a back side and a cavity (2) for holding a pill. The cavity located on and extends outwardly from the top of the card and a cavity resealing mechanism (3). Bullock further discloses the card having a substantially rectangular shaped and the bottom comprises a thickness of the card.

To the extent that Bullock fails to show the bottom of the card comprises a thickness being equal to or less than a credit card thickness, Robertson teaches a credit card-sized carrier for holding a pill. Robertson also teaches that a credit card have a thickness of about 0.05 inches (column 3, lines 55-56). Bartell'236 shows a credit-card-sized blister-pack medication package (10) having a shape substantially similar to a credit card comprising a bottom having a thickness. The bottom of the card including an upper portion (100) with a thickness preferably about 0.0265 inches, a top surface (120) of the upper portion is coated with a clear layer having a thickness preferably about 0.00185 inches, a bottom surface (130) of the upper portion is coated with a clear layer having a thickness preferably about 0.0015 inches, a middle portion (200) having a thickness preferably about 0.0075 inches, a lower portion (400) having a thickness preferably about 0.002 inches and two heat seal layers (510, 520) with each layer having a thickness of about the same thickness of the lower portion (Figure 2 and column 2, line 41 to column 3, line 38). Therefore, the thickness of the bottom of the card is equal to $(.0265 + .00185 + .0015 + .0075 + .002 + 2*(.002)) = 0.04185$ inches which is less than a credit card thickness. Therefore, it would have been obvious to one having ordinary skill in the art in view of Robertson or

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Bartell'236 to modify the card of Bullock so the thickness of the bottom of the card is equal to or less than a credit card thickness to reduce the material and also to provide more convenient for the user to carry the card in the wallet.

6. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 18 above, and further in view of Collens (4,669,613) or Boone (4,870,764). The card of Bullock as modified further fails to show writing being located on the front of the card below the cavity. Bartell'236 further shows the card comprises writing (20) such as calendar and any other desired product identification information (column 2, lines 49-51). Collens shows a card (1, 2) having writing located on the front of the card below cavities (4-6, rotate the card of Figures 1-2 in 90 degrees clockwise). Boone teaches a card (1, 2) comprising a cavity (7, 15) and writing disposed on the front of the card below the cavity (see the Figure). It would have been obvious to one having ordinary skill in the art in view of Bartell'236, Collens or Boone to modify the card of Bullock as modified so the card includes writing disposed on the front of the card and below the cavity to provide more convenient for the user.

As to claims 21 and 22, regarding the writing comprises an advertisement or instructions as taught by the prior art, it would have been obvious to one having ordinary skill in the art to modify the writing so it comprises an advertisement or instructions because it has been held that the printed matter merely taught a new use for an existing product and thus couldn't impart patentability. *In re Ngai*.

Response to Arguments

Applicant's arguments with respect to 2/15/2007 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
March 1, 2007



Luan K. Bui
Primary Examiner
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